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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,908	11/21/2000	Mitsuo Watanabe	001539	3329

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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/700,908

Applicant(s)

WATANABE ET AL.

Examiner

Walter B Aughenbaugh

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see continuation sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 11,12,14-17 and 25.

Claim(s) withdrawn from consideration: 1-10 and 18-24.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ADVISORY ACTION

Acknowledgement of Applicant's Amendments

1. The After Final Amendment filed June 29, 2004 has not been entered due to the fact that it raises new issues that would require further consideration and/or search. The switch in applicability of the "made of translucent acrylonitrile-butadiene-styrene resin or translucent acrylonitrile-styrene resin" requirement from the surface layer to the outer reinforcing shell layer in claim 14 as amended after-final constitutes a new issue.

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant's arguments in regard to the 35 U.S.C. 102(b) rejection of claims 25, 11, 12 and 16 presented on pages 13-14 of the After Final Amdt. depend upon the after-final amendments made in claim 25, which have not been entered for the reason provided above.

3. Applicant's arguments in regard to the 35 U.S.C. 103(a) rejection of claim 14 presented on pages 14-15 of the After Final Amdt. depend upon the after-final amendments made in claims 25 and 14, which have not been entered for the reason provided above.

4. Applicant's arguments in regard to the 35 U.S.C. 103(a) rejection of claim 15 presented on pages 15-16 of the After Final Amdt. have been fully considered but are not persuasive. Applicant's arguments depend in part upon the after-final amendments made in claim 25, which have not been entered for the reason provided above. Applicant also argues that "no abrasive particles are present in the skid-preventing texture of the present application", but the language of claim 15 does not exclude abrasive particles from the scope of the claim. Applicant further argues that "Stier's slip-resistant surface could not be produced by the process limitation of claim 15": regardless of whether or not this is true (support for this statement has not been provided),

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“Stier’s slip-resistant surface” need not be “produced by the process limitation of claim 15” since “the process limitation of claim 15” has not been given weight for the reasons provided in paragraph 11 of the Final Rejection mailed March 30, 2004. Applicant also argues that “Stier does not suggest producing a skid-preventing texture by the method of claim 15”, but Stier need not “suggest producing a skid-preventing texture by the method of claim 15” since this method limitation has not been given weight.

5. Applicant’s arguments in regard to the 35 U.S.C. 103(a) rejection of claim 17 presented on page 16 of the After Final Amdt. depend upon the after-final amendments made in claim 25, which have not been entered for the reason provided above.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is 571-272-1488. The examiner can normally be reached on Monday-Thursday from 9:00am to 6:00pm and on alternate Fridays from 9:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Walter B. Aughenbaugh

07/09/04

WBA


HAROLD PYON
SUPERVISORY PATENT EXAMINER
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7/9/04